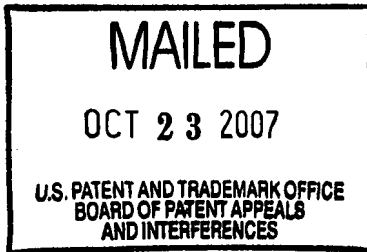


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ARIK ELBERSE,  
BREANDAN DALTON  
and  
SEAMUS MACCONAONAIGH

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Application 09/707,015

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on October 20, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that an Examiner's Answer was mailed on February 23, 2007.

Section 1207.02 of the Manual of Patent Examining Procedure

(MPEP) (Eighth Edition, Rev. 3, August 2005) reads as follows:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner is required to include, under appropriate headings, in the order indicated, the following items:

....

(8) *Evidence Relied Upon*. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

It is noted that while the Examiner's Answer states that "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal" [page 2 under the caption "(8) Evidence Relied Upon"], the claim rejections are listed as follows:

Claims 10 and 12-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent US [sic] 6,466,966 B1 to Kirsch [page 3]; and

Claims 1-3, 5-9, 11, 16, 19 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent US [sic] 6,466,966 B1 to Kirsch in view of US Patent 6,070,191 to Narendran [page 4].

It should be noted that the above deficiency was included in the Order

Returning Undocketed Appeal to Examiner mailed February 23, 2007.<sup>1</sup>

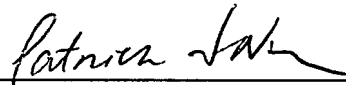
Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for submission of a PTOL-90 which corrects the “Evidence Relied Upon” section; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
(571) 272-9797

PJN:psb

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<sup>1</sup> The remaining deficiencies noted by this Order have been corrected.